

**Remarks**

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

**I. Claim Rejections - 35 USC § 102 and § 103**

Claims 9-10, 14-16, 18-20 and 23-29 stand rejected under 35 USC §102(e) as being anticipated by *Findikli et al.* (U.S. Pat No. 6,529,727). Claims 1-8, 11-13, 17, 21-22 and 30-31 stand rejected under 35 USC §103(a) as being unpatentable over *Findikli, Beyda* (U.S. Pat. No. 7,133,695), *Rosenberg et al.* (U.S. Pat. No. 6,628,934) and/or *Natsuno* (U.S. Pat. Pub. No. 2005/0148367). Withdrawal of the rejections is respectfully requested for at least the following reasons.

**A. Claims 9-13**

Claims 9-13 stand rejected as being anticipated by *Findikli* or unpatentable over *Findikli* in view of *Rosenberg*. Claim 9 has been amended herein to further clarify the claimed invention, and now recites, *inter alia*, that the server provides via the network different configuration data to the different mobile devices, respectively, wherein the *configuration data defines a user specified operational characteristic of each of the plurality of mobile devices*. Support for the amendment can be found, for example, on page 7, lines 24-30, page 9, lines 25-35 and page 10, line 30-31 of the application as filed.

As discussed in the present application, device configuration (e.g., personalities) determine, for example, the applications loaded on the mobile terminal, the application configuration, the access granted to the operating system, and the functionality of the mobile terminal 36. The configuration can be based on various criteria, such as the location of the device, a particular device user, or the device type itself. Configurations may be dependant on the user, the location, the device or any other criteria as may be necessary. For example, a user dependant configuration enables/disables access to specific applications and/or information based on who is currently logged into the mobile terminal. A manager may have access to account information, wholesale and retail

prices, order entry and stock on hand, while a clerk only may have access to retail prices and stock on hand. Similar restrictions and/or capabilities can be placed on the device based on its location, e.g., a warehouse, a retail shop, a department within a store, or on the device itself, e.g., an "economy" or lightly equipped mobile terminal or a premium terminal having all options enabled.

The device according to claim 9 is advantageous in that identical mobile terminals, based on the configuration data, can be automatically configured for specific tasks, locations, etc. The configuration data stored on the server provides data that enables two hardware identical mobile terminals to be automatically configured for two completely different tasks or uses.

*Findikli* describes a method and apparatus for performing over-the-air activation for wireless communication devices. According to *Findikli*, a plurality of subscription modules each having unique identifiers that correspond to a plurality of non-activated service subscriptions are provided. Further, a list of unique identifiers and their associated activation periods are stored in a wireless communication system. To activate the subscription, a subscription module is mated with a mobile device, and an over-the-air activation request is transmitted to the wireless communication system that includes the unique identifier associated with the selected subscription module. The subscription is activated if the request is made within the activation period.<sup>1</sup>

In rejecting claim 9, the Examiner cites to column 6, lines 1-40 as disclosing the server providing, via the network, the different configuration data to the different mobile devices, respectively. Referring to the cited portion, of *Findikli*, the only reference to data being transferred to the mobile device is found at lines 32-34, which is reproduced below.

The IMSI/MIN and any other necessary information is transferred to the subscription module where it is saved in memory (block 195).

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<sup>1</sup> See column 2, lines 1-17 of *Findikli*

Thus, *Findikli* discloses that the IMSI/MIN (i.e., International mobile station identity/Mobile station identification number) is transferred to the subscription module (which may be mated with the mobile device). The IMSI/MIN, however, are merely identifiers stored in the subscription module that enable access to the system.<sup>2</sup> The IMSI/MIN are not *configuration data that define a user specified operational characteristic of each of the plurality of mobile devices*, as recited in amended claim 9. Accordingly, claim 9 can be patentably distinguished from *Findikli*.

*Rosenberg* also discloses an over-the-air activation system for wireless devices. *Rosenberg* focuses on enabling a user to easily activate a wireless device and select the services that are to be provided with the wireless device. This is primarily accomplished by a user interfacing with a web page, wherein billing information, identification information, selection information, etc. is entered. Based on the entered data, wireless access is enabled and the selected services are provided.<sup>3</sup> *Rosenberg*, however, has not been found to disclose that *configuration data that define a user specified operational characteristic of each of the plurality of mobile devices*, as recited in claim 9 and, thus does not make up for the deficiencies of *Findikli*.

Accordingly, withdrawal of the rejection of claim 9 is respectfully requested.

Claims 10-13 depend from claim 9 and, therefore, can be distinguished from *Findikli* and *Rosenberg* for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 10-13 is also respectfully requested.

#### **B. Claims 14-29**

Claims 14-29 stand rejected as being anticipated by *Findikli* or unpatentable over *Findikli* in view of *Natsuno* and/or *Rosenberg*. Amended claim 14 recites, *inter alia*, a self configuring mobile device that includes a configuration module for configuring the mobile device. The configuration module implements a configuration update to configure

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<sup>2</sup> See column 5, lines 54-59 of *Findikli*

<sup>3</sup> See column 7, line 61-column 9, line 65 of *Rosenberg*

the mobile device to a **custom configuration** that defines a user specified operational characteristic of the mobile device.

For example, two hardware identical mobile terminals can be configured to operate in a completely different manner. One may have access to a particular database, while another may be restricted from the database. Alternatively, a particular key on one terminal may initiate a specific application (e.g., an ordering application), while the same key on the other terminal may return the quantity of stock in a warehouse.

In rejecting claim 14, the Examiner cites to column 6, lines 1-55 of *Findikli* as teaching a configuration module as recited in claim 14. Presumably, the Examiner equates the subscription module 50 of *Findikli* as a configuration module.

As discussed above, *Findikli* provides a plurality of subscription modules each having unique identifiers that correspond to a plurality of non-activated service subscriptions. To activate the subscription, a subscription module is mated with a mobile device, and an over-the-air activation request is transmitted to the wireless communication system that includes the unique identifier associated with the selected subscription module. The subscription is activated if the request is made within the activation period.<sup>4</sup>

As expressly stated in the cited portion of *Findikli*, the subscription module is simply a module that includes a unique identifier.<sup>5</sup> This identifier is transmitted from the mobile device to the mobile switching center (MSC), which proceeds to communicate the activation request to other devices. Once activated, an identification number is stored in the subscription module. Throughout the activation process, however, the mobile device is not altered from its initial configuration state. Any changes required to activate the mobile device are performed remote to and external from the mobile device (i.e., updates are performed in the customer service center 300 and/or AUC 300, see Fig. 3 and column 6, lines 1-40 of *Findikli*).

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<sup>4</sup> See column 2, lines 1-17 of *Findikli*

<sup>5</sup> See column 6, lines 41-55 of *Findikli*

The process described in the cited portion of *Findikli* does not teach that a configuration update is implemented so as to configure the mobile device to a custom configuration that defines a user specified operational characteristic of the mobile device. Instead, the mobile device remains in the same state that it was in prior to its mating with the subscription module. Thus, *Findikli* has not been shown to disclose a configuration module for configuring the mobile device, wherein the configuration module implements the configuration update to configure the mobile device to a custom configuration that defines a user specified operational characteristic of the mobile device, as recited in amended claim 14. Accordingly, claim 14 can be patentably distinguished from *Findikli*.

As discussed above, *Rosenberg* also discloses an over-the-air activation system for wireless devices. The activation process of *Rosenberg* appears to be primarily directed to a web-based interface that enables a user to quickly and easily activate a wireless device.

*Natsuno* discloses a mobile communication terminal that includes a data input/output terminal, and is specifically cited for teaching a bar code reader. Neither *Rosenberg* nor *Natsuno*, however, have been found to make up for the deficiencies of *Findikli*.

Accordingly, withdrawal of the rejection of claim 14 is respectfully requested.

Claims 15-29 depend from claim 14 and, therefore, can be distinguished from *Findikli*, *Rosenberg* and *Natsuno* for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 15-29 is also respectfully requested.

#### **C. Claims 1-8 and 30-32**

Claims 1-8 and 30-32 stand rejected as being unpatentable over *Findikli* in view of *Beyda* and/or *Rosenberg*.

Claim 1 has been amended herein and recites a method of transacting business in conjunction with a sale of mobile devices. The method includes, *inter alia*, a first mobile device and a second mobile device downloading first configuration data and second

configuration data, respectively, from a server, the configuration data defining first and second user specified operational characteristics of the first and second mobile devices. The first and second mobile devices automatically configure themselves based on the first configuration data and the second configuration data. Support for the amendment can be found, for example, on page 7, lines 24-30 and page 9, lines 25-25 of the application as filed.

As discussed above in section IA, *Findikli* discloses that an IMSI/MIN (i.e., International mobile station identity/Mobile station identification number) is transferred to the subscription module (which may be mated with the mobile device). The IMSI/MIN, however, are merely identifiers stored in the subscription module that enable access to the wireless system of *Findikli*. The IMSI/MIN are not *configuration data that define first and second end user specific operational characteristics of each of the first and second mobile devices*, as recited in amended claim 1. Accordingly, claim 1 can be patentably distinguished from *Findikli*.

*Beyda* is similar to *Findikli* in that it also discloses a method for activating a wireless device (e.g., a cellular phone). Like *Findikli*, the cellular phone of *Beyda* is itself not reconfigured during or after the activation process. Instead, modifications are made elsewhere (i.e., in an activation database stored remote from the cellular phone). Specifically, *Beyda* states that when a verified password is submitted by the cellular phone, a local switch updates a pre-activation database 128 and an activation database 126. As can be seen in Fig. 1 of *Beyda*, the pre-activation database 128 and the activation database 126 are remote from the cellular phone 120.<sup>6</sup> Accordingly, *Beyda* has not been found to make up for the above deficiencies of *Findikli*.

Accordingly, withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2-8 and 30-32 depend from claim 1 and, therefore, can be distinguished from *Findikli* and *Beyda* for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 2-8 and 30-32 is respectfully requested.

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<sup>6</sup> See column 3, lines 35-56 of *Beyda*

**II. New Claim 33**

New claim 33 is submitted for favorable examination.

**III. Conclusion**

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

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